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June 5, 2003

Mr. William Caton, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Supplemental Ex Parte Filing by UTAM, Inc. ("UTAM") in re: Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems; ET Docket No. 00-258; IB Docket No. 99-81; RM-9911

UTAM, the Commission's designated frequency coordinator for the unlicensed personal communications services ("UPCS") band,<sup>1</sup> herewith submits a supplemental ex parte in the above-referenced dockets. UTAM filed comments on the Third Notice of Proposed Rulemaking ("Third NPRM") in these proceedings, arguing that the FCC should: (i) retain the entire 1910-1930 MHz band for UPCS and make necessary technical modifications to promote UPCS use and (ii) ensure that, in the event UPCS spectrum is reallocated for other fixed or mobile uses, UTAM and the manufacturer members of UTAM are adequately compensated for their relocation of incumbent microwave users in the 1910-1930 MHz spectrum. The other comments filed in these dockets, however, raised a number of new proposals for new uses of these bands that UTAM was unable to address in the reply round of comments due to the timing of its Board of Directors meeting and the reply comment cycle.

UTAM and UTStarCom previously had developed a compromise plan for the use of the 1910-1920 MHz band that permitted isochronous devices to "cross-over" and use that band and, at the same time, permitted deployment of PHS systems from 1910-1918 MHz with a 2 MHz guard band protecting existing isochronous systems. In the comments in this docket, certain PHS interests have filed in favor permitting use of 1915-1920 MHz, without a guard band, by

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<sup>1</sup> The voting membership of UTAM, Inc., currently consists of Alcatel USA, ASCOM Wireless Solutions, Avaya (formerly the Enterprise Network Group of Lucent Technologies), Cortelco, CTP Systems, ECI Telecom, Inc., IWATSU America, Motorola, Inc., NEC America, Inc., Nitsuko America, Nortel Networks Inc., Siemens Information and Communication Networks, Inc., SpectraLink Corporation and Toshiba. UTAM also has numerous associate members.

those systems in the event 1910-1915 MHz is reallocated to licensed use.<sup>2</sup> These parties have also requested the ability to move their control channels from 1910-1912 MHz to a higher portion of the requested band. While UTAM has no objection to moving the control channels within the PHS allocation, the elimination of the restriction on deployment of PHS-type operations at 1918-1920 MHz is a serious concern. Because PHS operates at a higher power than existing isochronous systems, and because isochronous systems utilize a “listen-before-talk” protocol, the PHS interests are, in reality, simply moving the guard band into core isochronous spectrum—creating a *de facto* 2 MHz guard band at 1920-1922 MHz out of UPCS spectrum—because UPCS devices will “defer” to PHS out-of-band emissions in those bands. Accordingly, while UTAM continues to support the prior compromise position with UTStarCom that provides for a 2 MHz guard band, UTAM opposes any reallocation of 1918-1920 MHz spectrum for PHS operation.

Similarly, at this time, UTAM cannot support the proposals by DECT Forum members for the use of 1910-1930 MHz for higher power IMTS2000 systems. The power limits originally developed for UPCS devices were carefully crafted to limit potential interference among UPCS devices and between UPCS devices and licensed PCS users. Indeed, the power limits in conjunction with the other Part 15, Subpart D rules, were designed to implement a form of DECT tailored to domestic needs and the domestic spectrum environment. The DECT Forum members have provided no technical justifications at this late date for modifying in such a substantial manner the regulations pertaining to UPCS systems. They have provided no analyses of potential interference between IMTS2000 devices and existing deployed UPCS systems, nor any analysis of the impact of higher power operation on adjacent licensed PCS services. Therefore, at the present time, UTAM opposes the proposal for modifications to permit the introduction of high power IMTS2000 systems in the 1910-1930 MHz band.

In sum, UTAM resolutely believes that the reallocation of any UPCS spectrum is contrary to long term spectrum policy. If the Commission nonetheless determines that some reallocation is warranted, the reallocation should be limited to only 5 MHz at 1910-1915 MHz. The 1915-1920 MHz band should be retained as UPCS spectrum, and subject to the rule modifications previously proposed by UTAM and UTStarCom, with modifications to allow PHS control channel use at 1915-1917.5 MHz. The proposed modifications by the DECT Forum members should also be denied.

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<sup>2</sup> See, e.g., Comments of UTStarCom Inc., ET Docket No. 00-258 (filed Apr. 14, 2003) at 3; Comments of the PHS MoU Association, ET Docket No. 00-258 (filed Apr. 14, 2003), Comments of JSM Electronics, ET Docket No. 00-258 (filed Apr. 14, 2003); Comments of Stellar Holdings, ET Docket No. 00-258 (filed Apr. 14, 2003) at 2.

Should any questions arise concerning this ex parte filing, please contact Michael Stima at (908) 526-3636.

Respectfully submitted,

/s/ Michael Stima

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cc: Julius Knapp, Deputy Chief, Office of Engineering & Technology  
Howie Frisch, President, UTStarCom, Inc.